

January 6, 2014

Water Policy Interim Committee,

My wife and I have been irrigators of the FIIP for 42 years. My parents and I moved to our place in 1960. We have gone through many irrigation seasons with ups and downs. The instream flow litigation in the late 1980's and early 1990's with no success and millions of dollar spent. We saw the lack of maintenance to the irrigation project from 1980 through 2009. We were happy to witness the turnover from BIA to a cooperative management. The CME was formed by the joint efforts of federal, state and tribal governments this greatly improved maintenance and water management and renewed our faith in the combined efforts of these same parties as they came to a workable and fair agreement for water rights on the Flathead Indian Reservation.

The Compact & Water Use Agreement insures that every irrigator will be given the right to receive water. We believe that the parties involved in the negotiations have taken into consideration the four essential attributes in water rights, point of diversion, place of use, flow rate and priority date. We understand that in western water law senior water rights must be satisfied before any junior water rights are granted this makes priority date the most important issue to consider. We support the Compact & Water Use Agreement because it gives every party the same priority date, which gives us peace of mind especially during years of drought. The Flathead Indian Irrigation Project would also benefit greatly by the provisions granted in the Water Use Agreement. Keeping the low block of power and the promise of state and federal dollars to help fix the crumbling irrigation structures would keep their operating costs lower.

Without this agreement there will be at best 10 to 30 years of litigation with no certainty of the outcome. Millions of dollars will be spent in court costs, irrigators will see this in rising administrative fees by the irrigation districts. Just this year the administrative costs in our district has risen \$6.35/acre due to legal fees. We believe that property values will plummet because of the uncertainty of water rights during adjudication. These two factors will lead to widespread economic hardship for property owners. When one segment of the economy is hurt we all hurt.

This is very close to our hearts as it will have an affect on the legacy we have built and hope to pass onto our children. We know you will review all aspects carefully. We hope that you move the Compact & Water Use Agreement forward with approval. We thank you for your time.

Respectfully,  
Wayne & Maccine Scammon

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WATER POLICY INTERIM  
COMMITTEE. 2013-14

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